



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
635 FEDERAL BUILDING
601 E 12TH STREET
KANSAS CITY MO 64106-2824

January 13, 2012

Kansas City Regulatory Office
(NWK-2011-862)
(Wyandotte, KS, NW 14)

Mr. Brian Irwin
Cerner Corporation
2800 Rockcreek Parkway
Kansas City, Missouri 64117

Dear Mr. Irwin:

This letter is in response to your application, received on behalf of the Cerner Corporation requesting a Department of the Army (DA) permit. The proposed work involves the construction of a 300 foot arched culvert required for a stream crossing and roadway between Village West Parkway and the Cerner West Campus project site. The project is located in Section 11, Township 11 south, Range 23 east, Wyandotte County, Kansas.

The Corps of Engineers has jurisdiction over all waters of the United States. Discharges of dredged or fill material in waters of the United States, including wetlands, require prior authorization from the Corps under Section 404 of the Clean Water Act (33 U.S.C. 1344). The implementing regulation for this Act is found at 33 C.F.R. 320-332.

We have reviewed the information furnished and have determined that your project is authorized by nationwide permit (NWP) 14 provided you ensure that the conditions listed in the enclosed copy of excerpts from the March 12, 2007 Federal Register, Issuance of Nationwide Permits, as corrected, are met. You must also comply with the Kansas City District Regional NWP Conditions posted at: <http://www.nwk.usace.army.mil/regulatory/regulatory.htm>.

The Kansas Department of Health and Environment (KDHE) has certified that this NWP will not violate existing state water quality standards provided you comply with the conditions included in their attached letter. All conditions included in the water quality certification become conditions of the NWP authorization, please carefully review all conditions associated with this NWP. If you have any questions concerning state water quality standards or compliance issues with the associated certification conditions, please contact KDHE at 785-296-5573, Bureau of Water – NPS Section, 1000 SW Jackson Street, Suite 420, Topeka, Kansas 66612-1367.

General condition 26 requires you to sign and submit the enclosed "Compliance Certification" upon completion of the authorized work and required mitigation.

This NWP verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2012. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have twelve (12) months from the date of the modifications or revocation of the NWP to complete the activity under the present terms and conditions of this NWP.

In addition to the general conditions of this permit verification, the following special conditions apply to this permit:

1. The applicant must mitigate for the impacts of the proposed project to Little Turkey Creek by purchasing 4965 credits of stream mitigation from the Stranger Creek Mitigation Bank. Written verification to this office that credits have been purchased must be received prior to beginning work in waters of the U.S.
2. The applicant must protect a 16.95 acre tract of land adjacent to the project site and to Little Turkey Creek through the use of an approved third-party conservation easement. A copy of the recorded easement must be furnished to the Corps of Engineers prior to the start of work within waters of the U.S. at the site. The approved language and format for the conservation easement, the map and legal description of the stream preservation area are enclosed as Exhibits 1, A-1, A-2 and A-3.
3. The existing stream preservation easement conveyed from Wyandotte County to Cerner Corporation when the land was transferred in April 20, 2011 must be amended in favor of a new third-party conservation easement agreement between Cerner Corporation and the Midwest Mitigation Oversight Association. The draft amendment previously furnished for our review is acceptable and is enclosed as Exhibit 2. A copy of this executed amendment must also be forwarded to the Corps of Engineers prior to the start of work in waters of the U.S. at the project site.
4. Signage identifying the revised stream and riparian conservation easement parcel must be placed along the perimeter of the preservation area at each distinct property corner and elsewhere at a minimum spacing interval of 500 feet along irregular portions of the property boundary.

Although an individual DA permit is not required, other Federal, state and/or local permits may be required. You should verify this yourself.

We are interested in your thoughts and opinions concerning your experience with the Kansas City District, Corps of Engineers Regulatory Program. We have placed an automated version of our Customer Service Survey form on our website at: <http://www.nwk.usace.army.mil/regulatory/survey.pdf>. At your request, we will mail a paper copy that you may complete and return to us by mail or fax.

If you have any questions concerning this matter, please feel free to contact me at 816-389-3703 (FAX 816-389-2032). Please reference Permit No. 2011-862 in all comments and/or inquiries relating to this project.

Sincerely,

Brian Donahue
Project Manager
Regulatory Branch

Enclosures

Copies Furnished (electronically w/o enclosures):

Environmental Protection Agency,
Watershed Planning and Implementation Branch
U.S. Fish and Wildlife Service, Manhattan, Kansas
Kansas Department of Wildlife, Parks and Tourism
Kansas Department of Health and Environment
Kansas Department of Agriculture
Mr. David Flick, Terra Technologies

COMPLIANCE CERTIFICATION

General condition 26 of this Nationwide Permit requires that you submit a signed certification regarding the completed work and any required mitigation. This certification page satisfies this condition if it is provided to the Kansas City District at the address shown at the bottom of this page upon completion of the project.

APPLICATION NUMBER: 2011-862

APPLICANT: Cerner Corporation
2800 Rockcreek Parkway
North Kansas City, Missouri 64117

PROJECT LOCATION: Roadway between Village West Parkway and the Cerner West Campus site located in Section 11, Township 11 south, Range 23 east, Wyandotte County, Kansas.

- a. I certify that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions.
- b. I certify that any required mitigation was completed in accordance with the permit conditions.
- c. Your signature below, as permittee, indicates that you have completed the authorized project as certified in paragraphs a and b above.

(PERMITTEE)

(DATE)

Return this certification to:

U.S. Army Corps of Engineers
ATTN: CENWK-OD-R
601 East 12th Street Room 402
Kansas City, MO 64106-2824